

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
UNITED KING FILM DISTRIBUTION LTD, D.B.S. : SATELLITE SERVICES (1998) LTD, HOT : COMMUNICATION SYSTEMS LTD, CHARLTON : LTD, RESHET MEDIA LTD, AND KESHET : BROADCASTING LTD, :	Case No. 1:21-cv-11024-KPF-RWL
Plaintiffs, :	DECLARATION OF
-- against -- :	MARK S. KAUFMAN
DOES 1-10, d/b/a Israel.tv , :	IN SUPPORT OF PLAINTIFFS'
Defendants. :	MOTION FOR CONTEMPT
-----	X
	AGAINST CLOUDFLARE, INC.
	AND FOR EMERGENCY
	RELIEF

MARK S. KAUFMAN declares the following, under penalty of perjury:

1. I am an attorney duly licensed to practice law in this court, a partner at Kaufman & Kahn, LLP, attorneys of record for Plaintiffs United King Film Distribution Ltd, D.B.S. Satellite Services (1998) Ltd, Hot Communication Systems Ltd, Charlton Ltd, Reshet Media Ltd, and Keshet Broadcasting Ltd (“**Plaintiffs**”), and submit this declaration in support of Plaintiffs’ expedited contempt motion for CloudFlare, Inc.’s violation of the Court’s Order for Default Judgment and Permanent Injunction dated April 27, 2022 (the “**Order**”), [ECF Dkt. #49](#), pursuant to Fed. R. Civ. P. 65(d)(2).

2. Annexed and made **Exhibit A** hereto is a true and correct copy of the Order dated April 27, 2022. *See* Ex. C thereto (specifying CloudFlare among the “third party service providers” required to comply with the Order).

3. Despite being served with the Order over a month ago, CloudFlare has failed to comply therewith and failed to respond to Plaintiffs’ requests for compliance.

4. CloudFlare is an internet service provider that provides authoritative domain name system servers for its customers as a means of providing content delivery network (“CDN”) and reverse-proxy services.

5. Annexed and made **Exhibit B** hereto are excerpts from the website for CloudFlare, promoting and explaining CloudFlare’s services.

6. CloudFlare optimizes the delivery of customers' websites from the customers' origin server to visitors' browsers. This gives visitors to a customer's website faster page load times and better performance, while blocking threats and abusive bots and crawlers from attacking the websites. *See* Ex. B.

7. Plaintiffs served on CloudFlare a subpoena duces tecum dated February 1, 2022 addressed to CloudFlare’s offices located at 101 Townsend Street, San Francisco, CA 94107, Attn: Legal Department. (Annexed and made **Exhibit C** hereto is a true copy of the subpoena to CloudFlare.)

8. By letter dated March 28, 2022, CloudFlare responded to Plaintiffs’ subpoena, and noted that any questions could be sent to abuse+legal@cloudflare.com. (Annexed and made **Exhibit D** hereto is a true copy of CloudFlare’s response to the subpoena.)

9. The response indicated that on August 24, 2016, a user opened a CloudFlare account associated with the Website.

10. Plaintiffs served a copy of the Order on CloudFlare and requested that it cease providing support to the Website.

11. Annexed and made **Exhibit E** hereto is a true copy of the Affidavit of Service sworn to on May 12, 2022, alleging service of the Order made on April 29, 2022, upon CloudFlare at its offices in San Francisco.

12. Annexed and made **Exhibit F** hereto is a true copy of the Affidavit of Service sworn to on May 3, 2022, alleging service of the Order and a letter addressed to CloudFlare made on May 2, 2022, upon CloudFlare at the office of its registered agent for service of process.

13. Annexed and made **Exhibit G** hereto is a true copy of the letter dated April 28, 2022 served with the Order upon CloudFlare.

14. Annexed and made **Exhibit H** are true copies of emails Plaintiffs sent dated May 11, 2022 to abuse@cloudflare.com and dated May 19, 2022 addressed to abusedocuments@cloudflare.com and registrar-abuse@cloudflare.com, advising CloudFlare of its non-compliance with the Order.

15. CloudFlare did not respond to the Order or the emails demanding compliance therewith.

16. Plaintiffs bring this motion on an emergency basis because, with every day that passes while CloudFlare fails to comply with the Court's Order, Defendants' copyright infringing conduct continues by means of CloudFlare's facilitating Defendants' streaming pirated content of thousands of movies, television shows, and sports programming.

A. Because CloudFlare Is In Active Concert or Participation With the Enjoined Defendants, It Must Comply with the Court's Injunction.

17. CloudFlare permitted a user to establish an account that configured the domain name Israel.tv to use CloudFlare's services. CloudFlare's authoritative domain name server translates Israel.tv as entered in a search browser into the correct IP address associated with that site, thus allowing the user to connect to the site.

18. Moreover, CloudFlare's content delivery network (CDN) services facilitates if not enhances the streaming of Defendant's pirated video content. *See Ex. B.*

CONCLUSION

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, Plaintiffs United King Film Distribution Ltd, D.B.S. Satellite Services (1998) Ltd, HOT Communication Systems Ltd, Charlton Ltd, Reshet Media Ltd, and Keshet Broadcasting Ltd respectfully request that the Court issue an Order:

1. Holding Cloudflare, Inc. in contempt of court for failing to comply with the Court's Order dated April 26, 2022, which directed Cloudflare to cease providing services to defendant owners and operators of the infringing Website located at www.Israel.tv;
2. Directing Cloudflare to comply with the Order forthwith;
3. Awarding Plaintiffs' attorneys' fees and costs of this motion in an amount to be determined; and
4. For such other relief as the Court deems just and reasonable.

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Dated: New York, New York
June 7, 2022

KAUFMAN & KAHN, LLP

By: /s/ Mark S. Kaufman
Mark S. Kaufman
10 Grand Central
155 East 44th Street, 19th Floor
New York, New York 10017
Tel.: (212) 293-5556
Email: Kaufman@kaufmankahn.com
Attorneys for Plaintiffs